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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 LISA SMITH, )  
9 Plaintiff, ) CASE NO. C16-1818 RSM  
10 v. )  
11 MEGAN DOHTRY, *et al.*, ) ORDER GRANTING MOTION FOR  
12 Defendants. ) VOLUNTARY DISMISSAL  
13 \_\_\_\_\_ )

14 On April 13, 2018, Plaintiff filed a request to voluntarily dismiss her case due to ongoing  
15 health issues. Dkt. #63. The motion has been noted for consideration on May 11, 2018. *Id.*  
16 Thus, any Response from Defendants would have been due no later than Monday, May 7, 2018.  
17 No Response was filed.  
18

19 As an initial matter, the Court notes that pursuant to this Court's Local Civil Rules,  
20 "[e]xcept for motions for summary judgment, if a party fails to file papers in opposition to a  
21 motion, such failure may be considered by the court as an admission that the motion has merit."  
22 LCR 7(b)(2). The Court considers Defendants' failure to respond to be such an admission in this  
23 case.  
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25 Turning toward the merits of the request, under Federal Rule of Civil Procedure 41(a)(2),  
26 "an action may be dismissed at the plaintiff's request only by court order, on terms that the court  
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1 considers proper.” Having reviewed the history of this matter, the Court believes that dismissal  
2 at this juncture would be appropriate and will grant this motion.

3 Accordingly, the Court hereby ORDERS:

4 1. Plaintiff’s motion for voluntary dismissal of her action (Dkt. #63) is GRANTED.

5 However, this Order does not excuse Plaintiff from her obligations under the Order  
6 granting Defendants their attorney’s fees, issued by the Court on May 4, 2018. Dkt.  
7 #64.  
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9 2. To the extent that Plaintiff states she intends to refile this action when she has  
10 recovered from her health issues, nothing in this Order is intended to extend any  
11 applicable statutes of limitations or excuse Plaintiff from any such limitations.  
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13 3. Defendants’ pending motion for summary judgment (Dkt. #55) is STRICKEN AS  
14 MOOT.

15 4. This matter is now CLOSED.

16 5. The Clerk shall send a copy of this Order to Plaintiff at PMB 6169, PO BOX 257,  
17 Olympia, WA 98507.  
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19 DATED this 9<sup>th</sup> day of May 2018.

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22 RICARDO S. MARTINEZ  
23 CHIEF UNITED STATES DISTRICT JUDGE  
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